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Security Council

Fifty-fourth Year

Provisional

4059th Meeting

Wednesday, 3 November 1999, 10 a.m.

New York

President:	Mr. Türk	(Slovenia)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Fowler
	China	Mr. Qin Huasun
	France	Mr. Dejammet
	Gabon	Mr. Eboumy
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Burleigh

Agenda

Election of five members of the International Court of Justice (S/1999/939, S/1999/940/Rev.1 and Add.1* and S/1999/941)

99-86327 (E)

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The meeting was called to order at 10.20 a.m.

Expression of thanks to the retiring President

The President: As this is the first meeting of the Security Council for the month of November, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Sergey V. Lavrov, Permanent Representative of the Russian Federation to the United Nations, for his service as President of the Security Council for the month of October 1999. I am sure I speak for all members of the Security Council in expressing our deep appreciation to Ambassador Lavrov for the great diplomatic skill and effectiveness with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/1999/939, S/1999/940/Rev.1 and Add.1* and S/1999/941)

The President: The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the five seats which will become vacant on 5 February 2000 on the expiry of the terms of office of the following Judges: Mr. Gilbert Guillaume (France), Ms. Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland), Mr. Gonzalo Parra-Aranguren (Venezuela), Mr. Raymond Ranjeva (Madagascar) and Mr. Christopher G. Weeramantry (Sri Lanka).

The consolidated and updated list of candidates nominated by national groups is contained in documents S/1999/940/Rev.1, which reflects all the information concerning notifications received regarding such nominations in order to facilitate the election for all representatives. Members of the Council will note, in this connection, that the Secretariat reissued document S/1999/940/Add.1 for technical reasons in order to correct the references to the United States of America by replacing them with references to New Zealand. Therefore, it is the national group of New Zealand and not the national group of the United States of America which has nominated Mr. Christopher G. Weeramantry. This correction has been reflected in document S/1999/940/Rev.1. Document S/1999/941 contains the curricula vitae of the candidates.

I should like to draw the attention of the Council to the fact that the Permanent Mission of the Democratic Republic of the Congo informed me that the national group of the Democratic Republic of the Congo had decided to withdraw its nomination of Mr. Balanda Mikuin-Leliel for election to the International Court of Justice. Since Mr. Balanda Mikuin-Leliel was nominated by the national group of the Democratic Republic of the Congo, his name has thus been removed from the ballot papers.

The Security Council also has before it a memorandum by the Secretary-General, contained in document S/1999/939, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that, under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected."

The required majority in the Security Council is eight votes.

If more than five candidates obtain the required majority, according to the procedure which has been followed in the past and which is set forth in paragraph 14 of the Secretary-General's memorandum, a new vote will be held on all the candidates.

This rule will also apply to any subsequent ballots, if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining. If, on the other hand, in the first ballot the number of candidates obtaining the absolute majority is less than five, the Council will proceed to a second ballot on the remaining vacancies, and balloting will continue in the same manner until five of the candidates have obtained the required majority of votes.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot paper containing the names of all the candidates. No withdrawal will be accepted once the ballot papers have been distributed. However, it would be possible to withdraw between ballots. Members of the Council will be requested to place an "X" in the boxes next to the names of the candidates for whom they wish to vote.

Only those candidates whose names appear on the ballot paper are eligible for election.

I should like to remind members of paragraph 11 of the Secretary-General's memorandum, which specifies that

> "Each elector may vote for not more than five candidates on the first ballot". *(S/1999/939, para. 11)*

Any ballot paper containing votes for more than five names will be considered invalid. When five candidates have obtained the required majority of votes, I shall communicate the result to the President of the General Assembly, and I shall request the Council to remain in session pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers.

* * *

The President: The names of the delegations of France and the United States of America have been drawn. I request each of those delegations to appoint one member to serve as teller.

At the invitation of the President, Mr. Colas (France) and Ms. Ari (United States of America) acted as tellers.

The President: I should like to say, on this occasion, that we have in our midst two persons — Mr. Franklin Berman and Mr. Robert Rosenstock — who served as tellers when elections for the International Court of Justice were held for the first time. I welcome this fact as a symbol of the continuity of the Security Council's work.

May I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice?

It is so decided.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President: I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected. I should like to remind the Council that, as we agreed during our consultations, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots.

As agreed in our consultations, there will be two independent countings of the ballots, one by each teller.

The Council will remain in session.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Gilbert Guillaume	15
Ms. Rosalyn Higgins	15
Mr. Gonzalo Parra-Aranguren	15
Mr. Raymond Ranjeva	14
Mr. Awn Shawkat Al-Khasawneh	9
Mr. Christopher Gregory Weeramantry	6

Accordingly, the following candidates have obtained the required majority of votes in the Security Council: Mr. Gilbert Guillaume, Ms. Rosalyn Higgins, Mr.

Gonzalo Parra-Aranguren, Mr. Raymond Ranjeva and Mr. Awn Shawkat Al-Khasawneh.

I shall communicate the result of the vote to the President of the General Assembly in writing.

I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly.

* * *

The President: I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

> "I have the honour to inform you that, at the 45th plenary meeting of the General Assembly, held today for the purpose of electing five members of the International Court of Justice, the following candidates obtained an absolute majority of votes in the General Assembly: Mr. Awn Shawkat Al-Khasawneh, Mr. Gilbert Guillaume, Ms. Rosalyn Higgins, Mr. Gonzalo Parra-Aranguren and Mr. Raymond Ranjeva."

As both the Security Council and the General Assembly have agreed on the same candidates, the distinguished jurists Mr. Awn Shawkat Al-Khasawneh, Mr. Gilbert Guillaume, Ms. Rosalyn Higgins, Mr. Gonzalo Parra-Aranguren and Mr. Raymond Ranjeva have been elected as members of the International Court of Justice for a term of office of nine years, beginning on 6 February 2000.

I should like to congratulate them and wish them every success in the high office to which they have been elected.

I should also like to thank the tellers for their assistance.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 1.15 p.m.